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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,723	01/22/2002	Joon Suk Lee	K003	2107

7590

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EXAMINER
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ARAQUE JR, GERARDO

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/056,723	Applicant(s) LEE, JOON SUK	
	Examiner Gerardo Araque Jr.	Art Unit 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in **Korea**, on **November 21, 2001** (which has not been filled out properly in the Oath and Declaration). It is noted, however, that applicant has not filed a certified copy of the **PCT/KR01/01195** application as required by 35 U.S.C. 119(b).

### *Claim Objections*

1. **Claim 4** is objected to because of the following informalities: The current wording of **claim 4** appears awkward to the examiner. The examiner currently understands claim 4 as displaying a game screen to a customer while the food is being cooked. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 2** <sup>and 4 are given</sup> ~~is~~ rejected under 35 U.S.C. 102(b) as being anticipated by Dubno et al. (US Patent 4,722,053).

3. In regards to **claim 2**, Dubno discloses displaying a food menu (Column 2 Lines 21 – 29), which would inherently guide the customer throughout the ordering process when the customer has been sensed (Column 5 Lines 45 – 53). Moreover, Dubno determining whether a customer chooses the food among the displayed menu (Column

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5 Lines 50 – 53). Inherently included, Dubno discloses displaying material and content of the selected food since the display is replacing the traditional paper menus that are normally provided at restaurants and, as a result, the customer regulates the material and content of the food just as it has normally been done with a waiter/waitress.

Furthermore, Dubno discloses using an automated system to more efficiently serve and entertain a customer and, as a result, the system must carry all tasks that a waiter/waitress would have to carry out, such as giving an approximation of how long it would take for the food to be served.

4. In regards to **claim 4**, Dubno discloses displaying a game screen to a customer while the food is being prepared (Column 2 Lines 21 – 29).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubno et al. (US Patent 4,722,053) in view of Johnston (US Patent 3,774,723).

7. In regards to **claim 1**, Dubno discloses a computer-controlled food service establishment with a display part for displaying a menu and game screen (Column 2 Lines 21 – 29), a data input part (Column 2 Lines 29 – 31), controller (Column 2 Lines 15 – 20), and a send/receive part (Column 2 Lines 15 – 20). However, Dubno fails to teach a heat generation control part with a scent selection control part.

Johnston, however, does teach that is known business practice to incorporate a heat generation control part with a scent selection control part (Column 5 Lines 24 – 31) within a food service establishment.

Therefore, it would have been obvious to one having ordinary skill in the time of the invention to modify Dubno in view of the teachings of Johnston to incorporate control scent production device in order to provoke and promote sale of food to customers.

8. In regards to **claim 3**, Dubno is discussed above but fails to disclose diffusing scent related to the food regulated.

Johnston, however, does teach diffusing scent related to food within a food service establishment (Column 5 Lines 24 – 31).

Therefore, it would have been obvious to one having ordinary skill in the time of the invention to modify Dubno in view of the teachings of Johnston to incorporate diffusing scent related to food in order to provoke and promote sale of food to customers.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following relate to a service system in a food service establishment

a. US Patent – 4,553,222; 4,074,793; 5,720,363

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is


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(571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA  
8-10-06



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